

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

JEROME J. THOMPSON,)	
)	
Petitioner,)	
v.)	No. 2:11-cv-76-JMS-WGH
)	
MR. LEVENHAGEN,)	
)	
Respondent.)	

Entry Discussing Petition for a Writ of Habeas Corpus

This is an action in which Jerome Thompson, a state prisoner, seeks a writ of habeas corpus based on his claim that a prison disciplinary proceeding was constitutionally tainted. The respondent has moved to dismiss the action as moot because, it is argued, the challenged proceeding has been administratively dismissed.

The petitioner has filed a motion to stay—mistakenly reciting that a judgment has been issued in this action and noting that a rehearing of the disciplinary case will be or has already been tainted with constitutional error.

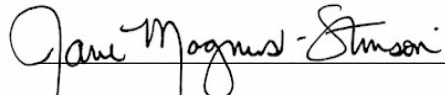
No final judgment has been issued in this action. More importantly, moreover, the premise of Thompson's motion is that the validity of the results at the rehearing can be challenged along with the results of the now-vacated original resolution of the charge. This premise is incorrect. The rehearing, if it results in a finding of guilt and the imposition of a sanction affecting the expected duration of Thompson's confinement, will have to be challenged in a separate habeas proceeding, and then only after any available administrative appeals have been pursued.

The action Thompson filed is moot. The subsequent proceedings cannot be challenged in this case. An action which is moot must be dismissed for lack of jurisdiction. *Board of Educ. of Downers Grove Grade School Dist. No. 58 v. Steven L.*, 89 F.3d 464, 467 (7th Cir. 1996), *cert. denied*, 117 S. Ct. 1556 (1997). The respondent's motion to dismiss [17] is therefore **granted**.

Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 09/16/2011


Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana